

"I would like to register my strong opposition to the proposed broadcast flag rule. The reason offered for its adoption, viz.: that broadcasters "will not permit high quality programming to be broadcast digitally" without the rule, is not supported by experience. The availability of cassette tapes did not prevent high-quality content being offered over FM radio, nor did the VCR lead to the death of the movie industry, although these results were predicted at the time. To the contrary, the ability of consumers to exercise their right of fair use has contributed greatly to the health of the entertainment and broadcast industries, and benefited the public at large.

The FCC should not be swayed by the self-serving statements of a few industry representatives into creating a regulation so damaging to the general welfare. Even if the proposed rule did benefit the industries in question, it would be contrary to the FCC's mandate to prefer those industries over the American people -- the FCC's true constituency.

But the broadcast flag rule is even worse than that. Rather than benefiting American industry, it would harm it. Inevitably, as the divide widened between the foreign makers of general-purpose computers and the American makers of crippled ones, we would see America's technological and economic lead eroded. The prohibition against the use of freely published source code for use with digital broadcasting -- insofar as Americans observed it -- would further endanger the position of technological strength we now enjoy.

The proposed broadcast flag is a short-sighted and poorly thought-out device, intended for the immediate benefit of a few privileged companies to the detriment of the public. It would do far more harm than good. I urge you to reject it.

Thank You."